

REMARKS

Reconsideration and allowance of the application as amended is respectfully requested.

1. The Examiner has objected to claims 3-7 of the application on the grounds that the base plate recited in these claims is not present in the drawings nor discussed in the disclosure and thus this material must be canceled from the claims. Applicant has canceled claim 3 from the application and has amended the remaining claims so as to remove any mention of this base plate. As such Applicant respectfully submits that this objection has been adequately addressed and requests removal of this objection.

2. The Examiner has rejected claim 1 under 35 U.S.C. §112, on the grounds that the chamfer now contained in the amended claims is not present in the application. Applicant respectfully disagrees and refers the Examiner to Figure 6 item number 22, which is also now also shown in the amended Fig. 3. In as much as these items are in fact shown in the drawings, Applicant respectfully asserts that claims directed to such features are appropriate and requests withdrawal of the Examiner's rejection.

3. Rejection under 35 U.S.C. §102, the Examiner has withdrawn his prior rejection of claims 1-5 under 35 U.S.C. §102(b) as being anticipated by Ernst (U.S. Patent No. 6,637,605), and instead has rejected claims 1-7 of the application in view of the Pursley reference. In as much as this is the first time that this reference is presented, Applicant respectfully requests that

RESPONSE TO OFFICE ACTION - 6

the Examiner enter and accept the arguments presented herein.

a. Claims 1-7 cannot be considered under 35 U.S.C. 102(b) as being anticipated by Pursley (US 596,380). In order for a reference to anticipate a claim each and every element which is set forth in the claim must be described in one particular reference. In the present situation this is not the case.

b. The claims of the present invention are directed to a very simple and particular device a horizontally mounted holder for mixer attachments that contain an L-shaped slot. The Pursley invention is directed to a vertically mounted clothes rack with pivoting dowels that move into and out of a functional position. The Pursley device is not the same device, nor does it contain any of the same features that would allow for use of in the way that is set forth in the claims of the invention.

c. The present invention requires a base member with a top side and a bottom side, and a left end and a right end, the base member configured for removable horizontal mounting adjacent to an underside portion of a flat surface such as a cabinet. The Pursley reference is adapted to mounting to a wall or beadstead in a generally vertical orientation.

d. The claims of the current invention require a plurality of equidistant and fixed guide dowels attached to said top side of the base member, with a chamfered interface between the guide dowels and the base member, with each guide dowel configured for frictional interfitting engagement with an L-shaped slot on the attachment shafts of a mixer attachment through the use of a fixed and rigid retaining pin.

e. The Pursley reference shows pivoting hooks (14) connected to dowels 6 that move into and out of a designated position. There is no chamfered interface, no frictional interfitting engagement with an L-shaped slot and no fixed and rigid retaining pin.

f. Pursley describes item 6 as being a mortised bar with a trunnion on each end to receive a bearing, and thus allowing the mortised bar to pivot when acted upon by item 5 figure 7. Predicated on this detailed and inherently limiting description; it would be inconceivable to confuse the solidly mounted, chamfered, and equidistant dowels as described in the present application with the item which has been designated by the Examiner.

g. Item 14, being described in the rejection as “a fixed and rigid retaining pin”, is described very differently by Pursley. Pursley asserts on page 1 lines 92, 98, and 100 that this particular piece is a peg or hook of any desired form that is applied to the pivot bar (6) and, as shown, they are fitted into a mortise 16 in each pivoted bar. Clearly, Pursley never describes a fixed and rigid retaining pin, but instead a complex, pivoting structure with a receiver designed to fit a particular mortise and having a receiving structure to receive a screw passed through an opening in the pivot bar (6).

h. The claims of the present invention require at least one generally flat insertion tab attached to said base member adjacent to and parallel with the bottom side of the invention. This generally flat insertion tab configured for removable engagement with a mounting bracket, and for use as a vertical stabilizer when the base member is removed from the mounting bracket and placed in an inverted position on a top portion of a flat surface.

i. The Pursley reference does not teach this feature. It is merely a vertically oriented box with rotating dowels that move into and out of a designated position and which allow for clothes to be hooked and hung. There are no other features that the Pursley device provides. Feature 15 from the Pursley device which the Examiner indicates is the base plate, is not the same as the base plate that is described in the claims of the present invention. This feature 15 from the Pursley reference which the Examiner indicates is the base plate having a different structure, a different orientation, different function, shape and composition as compared to the base plate which is set forth in the claims of the present application.

j. Item 15 from the Pursley reference is shown in detail in figures 4 and 7 of the Pursley reference. This feature is not a base plate as the Examiner has described but is rather a coupling bar (see lines 39-40, 50-52, 66, 70-73, and 75-85). Based on Pursley's description referred to herein, one comes to the conclusion that disputed item #5 is in fact a moving piece of linkage in a very basic machine. It is in no way ever described by Pursley as an insertion tab nor is there any teaching to describe it as such.

k. The claims of the present invention also require a mounting bracket which allows the base plate of the present invention to be connected to the underside of a cabinet, and allow for sliding engagement with the generally flat insertion tab. The mounting bracket including at least one slot for engagement of said at least one insertion tab of said base member.

l. The Pursley reference does not teach this feature. The item 2 which the Examiner has indicated is a bracket which meets all of the limitations of the claims is in fact a cover or "keeper" that goes over the hooks of the present invention when they are in their designated

locations.

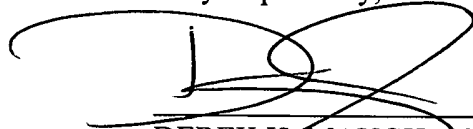
m. In as much as these claimed features are not found in this reference Applicant respectfully submits that the claimed invention is not anticipated by the present invention and respectfully requests that the rejection of the claims of this application be withdrawn.

CONCLUSION

For all the reasons given above, applicant submits that this application is now in full condition for allowance, which action applicants respectfully solicit. If the Examiner feels it would advance the application to allowance or final rejection, he is invited to telephone the undersigned at the number given below.

DATED this 14th day of September 2006.

Very respectfully,



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Amendments to the Drawings

Figure 3 has been amended to include item 22, which was previously shown in Figure 6 of the application as originally filed. This change is reflected on the replacement sheet, which shows this change to Figure 3.